

DRAWINGS

Formal Drawings

The indication by the Examiner in the recent Office Action that the formal drawings filed on November 12, 2004 were approved by the Draftsman is noted with appreciation.

REMARKS

Status

No claims have been added or cancelled by this amendment. Independent claims 1, 7 & 8 with attendant claims depending therefrom will remain for further consideration.

Claim History

The Examiner rejected claims 1-4 and 7 (listed as claim 8 in error) under 35 U.S.C. § 103 over Roynyak in view of Holmes et al. The Examiner rejected claims 1-4 and 7 (listed as claim 8 in error) under 35 U.S.C. § 103 over Roynyak in view of Holmes et al. and in further view of allegedly admitted prior art.

Allowable Subject Matter, Otherwise Allowable Claims

The Examiner indicated that claims 8-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and of any intervening claims. Claims 8-20 have been so rewritten. The indication of this allowable subject matter is noted with appreciation.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-4 and 7 under 35 U.S.C. § 103 over Roynyak in view of Holmes et al. The Examiner rejected claims 1-4 and 7 (listed as claim 8 in the rejection, an apparent typographical error) under 35 U.S.C. § 103 over Roynyak in view of Holmes et al. and in further view of allegedly admitted prior art. This rejection is respectfully traversed.

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We respectively note that the examiner's citation of the U.S. Patent 4,166,933 should be **U.S. Patent 4,166,930**, to Richard M. Rovnyak, which will be used as the basis of following arguments.

The examiner's reasons for the non-final rejection claims 1 through 4 and 7 includes the incorrect statement that: "Rovnyak further discloses a ring loop sensor (Fig. reference 80) coupled to the common node that output a ring trip detection (i.e. feedback) signal." It is correct that Rovnyak displays the "RING TRIP LOOP SENSOR" marked box in the Figure (reference 80) but does not mention it anywhere else in the patent to elaborate on the content or function of the box, or relationship of the box to claimed inventions, or any other part of the specification. Rovnyak does not contain the terms "feedback" or "ring trip detection signal" individually, or in combination claimed by the examiner. The **U.S. Patent 4,166,930**, to Richard M. Rovnyak describes in detail the sequences of operation of the circuit in the Figure (from column 2 line 33, to column 3 line 44) with no explicit or implicit indication of any feedback controlled function. Furthermore, in order to function as the desired "make-before-brake contact set" (column 1, line 63) the relays 21, 23, 24,25,26, and 27 need to be energized exactly in accordance to the described sequences rendering the feedback controlled operation not only unnecessary but also detrimental to the desired make-before-brake effect. Consequently, the identification of the "RING TRIP LOOP SENSOR" box to be equivalent with the "feedback network" of claim 1 is not explicitly made by the **U.S. Patent 4,166,930**, to Richard M. Rovnyak and in fact teaches away from the present invention by requiring the described sequence.

The examiner's rejection includes the statement that Holms et al. (US Patent 3,941,939) discloses "a high pas filter (Fig. 1, reference C2, column 2, lines 44-47) to

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produce a ring trip detection (i.e. feedback signal).” Column 2, lines 44-47 state verbatim: *“The ringing current is filtered by the combination of resistor R12 and capacitor C2 which act to filter a major part of the AC ringing current and shunt this current around from the LED of optical coupler Q1.”* This clearly means that the function of the bypass filter formed by the combination of the resistor R12 and capacitor C2 is not to detect anything but to protect the optical coupler Q1 by forming the alternate path for a “major part of the AC ringing current”. No signal is “produced” or detected, nor is it used in any feedback-controlled scheme.

Additionally, the Examiner’s next quote (column 1, lines 34-39) which reads verbatim: *“The circuit as shown responds to a wide range of line conditions by providing a filter for ringing current from 16 cps to 66 cps. The filter shunts most of the AC from the ringing current away from the detector circuit to render the detector more sensitive to changes in the applied DC level.”* The “wide range” qualification relates only to **the range of line conditions**, not to the range of frequencies from 16 cps to 66 cps which, being only 50Hz wide, is a relatively limited range of frequencies in the art of telephone.

Also, since the ringing frequency range from 16 cps to 66 cps is close to the low end of the of the normal voice band telephony service, and the current invention considers the noise detection in “the data signal which is carried in a frequency range , referred as a data band, that is above the voce band” (current application; paragraph [0005], page 1. lines 18-19), the filter formed by the resistor R12 and capacitor C2 can be only characterized as an “low-pass” filter in the context of the current application. As such, it cannot be equivalent to “a high-pass filter” of claim 1 designed to monitor the noise in the data band of current application, nor the filter of claim 7 of the present application.

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Based on the presented facts, we respectfully traverse the rejection of the claims 1-4 and claim 7 arguing that the feedback network 208 and the filtering and feedback control steps represent significant differences making claims 1-4 and 7 patentable over the quoted prior art.

We respectfully traverse the rejection of the claims 5 and 6. Claims 5 and 6 are indirectly dependant on claim 1, and, as such incorporate the significant difference of the feedback network 208 and the high-pass filter discussed above. Consequently, we respectfully traverse the examiners rejections. We note that the allegedly admitted art is not cited for, nor does it cure the deficiencies above.

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Summary

Applicants have made a diligent and bona fide effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Robert N. Blackmon, Applicants' Attorney at 703-684-5633 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,



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